

REMARKS/ARGUMENTS

Claims 1-7 and 20-36 remain in this application for further review. Claims 8-19 have been canceled in accordance with the November 17, 2004 election. Claims 8-19 will be pursued in a forthcoming divisional and their cancellation is not a concession of any of the subject matter of those claims. The specification has been amended to correct a minor typographic error. The Abstract has been amended as set forth above to take into consideration the Examiner's concerns and to reduce the word count and Figure 2 has been amended to correct a minor typographical error. No new matter has been added.

I. Rejection of Claims 1-7 and 20-36 under 35 U.S.C. § 103(a).

Claims 1-7 and 20-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,721,558 issued to Saad (hereinafter "Saad") in view of U.S. Patent No. 6,490,616 issued to Maryka et al. (hereinafter "Maryka"). The Office Action concedes that Saad does not disclose the elements of the claims in combination with a mobile device. However, the Office Action propounds that Maryka teaches these elements. Applicants respectfully disagree with the rejection.

A. No Suggestion or Motivation to Combine the References

There is no suggestion or motivation to combine the references as propounded. Saad pertains to a technique for identifying the hardware associated with a cell phone tower. *Saad* at col. 2, lines 15-25. A cellular station that may be associated with a plurality of towers sends a message to one of the cell phone towers. *Saad* at col. 2, lines 15-25. The cell phone tower then identifies hardware associated with the cell phone tower and sends a response back to the cellular station. *Saad* at col. 2, lines 15-25.

Maryka is not even remotely concerned with the problems identified in Saad. Maryka teaches a technique for transferring an application from a server to a computing device. *Maryka* at col. 2, lines 43-52. The server first determines what objects are required for the computing device to receive the application. *Maryka* at col. 4, lines 41-46. The server then transfers the required objects to the computing device. *Maryka* at col. 4, lines 41-46. A person of ordinary skill in the art confronted with the problems associated with identifying hardware on a cell phone tower as exhibited by Saad, would not be disposed on any objective basis to consider a reference such as Maryka, which is entirely unconcerned with the subject. Therefore, applicants assert that the references are not combinable as propounded.

B. The References Do Not Teach All the Elements of the Claims

Even if for argument sake the references were combinable as propounded, the proposed combination would still fail to teach all the elements of the claims. Applicants' claim 1 specifically recites the following elements that are not taught or suggested by the cited references:

"a *configuration service provider* component associated with the setting and *configured to access the setting*." (Emphasis added).

"a *configuration manager component* configured to receive the at least part of the query document and to *identify the configuration service provider based on information within the query document*, the configuration manager being further configured to *pass the query statement to the configuration service provider for processing*." (Emphasis added).

Applicants' claim 20 specifically recites the following elements that are not taught or suggested by the cited references:

"***parsing the configuration message*** to identify the particular setting stored on the mobile device." (Emphasis added).

"passing the payload ***to a configuration component*** responsible for maintaining the particular setting." (Emphasis added).

"retrieving, ***by the configuration component***, a value associated with the particular setting stored on the mobile device." (Emphasis added).

Applicants' claim 25 specifically recites the following elements that are not taught or suggested by the cited references:

"passing at least the payload ***to a configuration component*** responsible for maintaining the particular setting." (Emphasis added).

"retrieving, ***by the configuration component***, a value associated with the particular setting stored on the mobile device." (Emphasis added).

Applicants' claim 29 specifically recites the following elements that are not taught or suggested by the cited references:

"a ***configuration manager component*** configured to receive the at least part of the query document, to cause the setting to be queried based on the at least part of the query document, and to return results of the query of the setting to the router component." (Emphasis added).

Below is a short excerpt from the specification of the application. The excerpt is but one embodiment or aspect of the present invention and is cited herein for explanatory and exemplary purposes only. The excerpt should not be taken to limit the interpretation of the above elements in that applicants assert that the elements are clear as written. A few aspects of the above elements are recited in the specification as follows:

"The CSPs [Configuration Service Providers] 411-413 are responsible for actually executing specific configuration instructions that may be included in a configuration message. The CSPs 411-413 are trusted components that may query, alter, or delete the settings for which they are responsible. For instance, one application, such as an e-mail application, may have a dedicated CSP (e.g., CSP 411) for maintaining settings associated with the e-mail application. The

CSPs 411-413 receive instruction from an application (e.g., a "configuration manager" described below) that manages the configuration transaction and may coordinate among several CSPs. The CSP may also return an existing value for a setting if requested. Each CSP could have a hardcoded condition which must be satisfied prior to deleting the values of any protected parameter from a response document or a mirrored query document that they generate. This condition should prevent an attempt to query a password on the device."

"The configuration manager 401 is the hub of activity for the over-the-air configuration system. Essentially, it is an application registered to handle configuration messages for the mobile device 120. As mentioned above, the push router 301 passes received messages to one or more applications 266 that are registered to receive them. In this case, the configuration manager 401 is the application registered to handle configuration messages. Thus, when the push router 301 receives a configuration message, the push router 301 passes the message (or at least the configuration payload of the message) to the configuration manager 401."

"The configuration manager 401 is programmed to parse the incoming configuration messages to identify the affected configuration settings. For example, one configuration message may contain changes to settings related to an e-mail application, while another configuration message may contain changes to settings related to the addresses of trusted proxy servers. Moreover, a single configuration message may contain changes that affect several different groups of settings. The configuration manager 401 is programmed to determine which one or more CSPs are responsible for maintaining the affected settings. In the disclosed embodiment, that determination is made directly from information within the configuration message which identifies the appropriate CSPs. Alternatively, the configuration manager 401 could identify the appropriate CSPs from other information that associates CSPs with corresponding configuration settings." *Applicant's Specification* at 11-12.

None of the cited references teach or otherwise suggest the limitations of independent claims 1, 20, 25 or 29. Saad does teach a default message that is sent to a cell tower to query hardware components. *Saad* at col. 2, lines 29-31. However, contrary to the arguments in the Office Action, Saad fails to teach a "configuration service provider component..." and "a configuration manager component..." as specifically recited in independent claim 1 of applications' invention. Saad also fails to teach "parsing the configuration message...", "passing

the payload to a configuration component..." and "retrieving, by the configuration component..." as specifically recited in claim 20 or the present invention. Column 4, lines 65-67 do not teach these elements. Saad specifically recites that "[i]n one embodiment, the cell station 300 *queries each hardware component* for its associated type and version during step 520." *Saad* at col. 4, lines 65-67. (Emphasis added). Saad does not teach *parsing the configuration message or a configuration component* as specifically recited in claim 20. Regarding claims 25 and 29, applicants can find no teaching in Saad of a "*configuration component*" and a "*configuration manager component*" as specifically recited in those claims. Accordingly, applicants believe that independent claims 1, 20, 25 and 29 are clearly allowable under 35 U.S.C. 103(a).

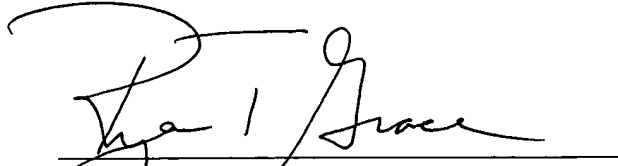
Claims 2-7, 21-24, 26-28 and 30-36 include elements that are not taught or otherwise suggested by the cited art. Furthermore, those claims ultimately depend from independent claims 1, 20, 25 and 29, respectively. Claims 1, 20, 25 and 29 are clearly allowable for the reasons set forth above. Accordingly, applicants assert that claims 2-7, 21-24, 26-28 and 30-36 are allowable for at least those same reasons.

In view of the foregoing, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

App. No. 09/895,450
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Respectfully submitted,

MERCHANT & GOULD P.C.

A handwritten signature in dark ink, appearing to read "Ryan T. Grace", is written over a horizontal line.

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Amendments to the Drawings:

The attached sheet of drawings includes replacement Figure 2. Replacement Figure 2 corrects a minor typographical error.

Attachment: Figure 2